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MONITRONICS INTERNATIONAL, INC.  
9

10 **UNITED STATES DISTRICT COURT,**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **SOUTHERN DIVISION**  
13

14 KERRY O'SHEA, on behalf of himself,  
and all others similarly situated,

15 Plaintiff,

16 v.  
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18 ALLIANCE SECURITY, LLC., a  
Delaware limited liability company,

19 MONITRONICS INTERNATIONAL,  
INC., a Texas corporation,

20 Defendants.  
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Case No. 8:13-cv-1054-JVS-JPRx

**DEFENDANT MONITRONICS  
INTERNATIONAL, INC.'S  
NOTICE OF MOTION AND  
MOTION TO DISMISS, OR IN  
THE ALTERNATIVE, STAY**

Complaint Filed: July 16, 2013

Date: November 4, 2013  
Time: 1:30 p.m.

Judge: Hon. James V. Selna  
Courtroom: 10C

Magistrate  
Judge: Hon. Jean P. Rosenbluth

Case No. 8:13-cv-1054-JVS-JPRx

**DEFENDANT MONITRONICS INTERNATIONAL, INC.'S NOTICE OF MOTION  
AND MOTION TO DISMISS, OR IN THE ALTERNATIVE, STAY**

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

YOU ARE HEREBY NOTIFIED that on November 4, 2013 at 1:30 p.m. in Courtroom 10C of the United States District Court for the Central District of California, Southern Division, located at 411 West Fourth Street, Santa Ana, California, Defendant Monitronics International, Inc. (“Monitronics”) will and hereby does move the Court, pursuant to the Federal Rules of Civil Procedure, Rule 12(b)(6), for an Order dismissing Plaintiff Kerry O’Shea’s Class Complaint in its entirety for failure to state claims that are plausible under the requirements set forth in the Federal Rules of Civil Procedure, as construed by the United States Supreme Court in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

Should the Court not dismiss the Complaint in its entirety, Monitronics requests, in the alternative, that the Court stay this action pending the decision of the Judicial Panel on Multidistrict Litigation on Monitronics’ pending motion to transfer the various TCPA class actions brought against it to a single district for coordinated or consolidated pretrial proceedings, filed on September 6, 2013.

This Motion to Dismiss, Or In The Alternative, Stay is based upon the allegations in the Complaint, this Notice of Motion and Motion, the following Memorandum of Points and Authorities, any Reply filed in support of this Motion, and upon such other evidence and oral argument as may be received at the time of the hearing of this motion.

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1 This motion is made following the conference of counsel pursuant to L.R. 7-3,  
2 which took place September 11, 13, 14, 16 and 17, 2013.

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4 Dated: September 18, 2013 **WILSON TURNER KOSMO LLP**

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6 By: /s/ Meryl C. Maneker  
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8 FREDERICK W. KOSMO, JR.  
9 VICKIE E. TURNER  
10 ROBERT K. DIXON  
11 Attorneys for Defendant  
12 MONITRONICS INTERNATIONAL, INC.  
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